

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLEAR CREEK RETIREMENT PLAN II
LLC, a Washington limited liability company,

Plaintiff,

vs.

FOREMOST INSURANCE COMPANY
GRAND RAPIDS MICHIGAN, a Michigan
corporation,

Defendant.

No.

**DEFENDANT FOREMOST
INSURANCE COMPANY GRAND
RAPIDS MICHIGAN'S NOTICE OF
REMOVAL PURSUANT TO 28 U.S.C.
§1441(a)**

TO: The Clerk of the United States District Court for the Western District of
Washington at Seattle

AND TO: Plaintiff, and its counsel of record, Thomas J. Westbrook

Please take Notice that Foremost Insurance Company Grand Rapids Michigan
(hereinafter referred to as "Foremost") hereby removes to this Court the state court action
described below:

I. The Subject Action

1. On July 3, 2017, Plaintiff Clear Creek Retirement Plan II, LLC (hereinafter
"Plaintiff") began an action in the Superior Court of Washington for Pierce County, which was

1 assigned cause number 17-2-09240-7. A copy of the original Summons and Complaint are
2 attached as **Exhibits A** and **B**.

3 2. Then, on July 5, 2017, the Washington Office of the Insurance Commissioner
4 was served with a copy of the Summons and Complaint. Plaintiff filed a Complaint for
5 Violation of Insurance Fair Conduct Act (RCW 48.30).

6 **II. Diversity of Citizenship**

7 3. In the Complaint, Plaintiff alleges that it is a Washington limited liability
8 company with a principal place of business in Pierce County, Washington. Upon information
9 and belief, all members of Clear Creek Retirement Plan II, LLC are members of the State of
10 Washington. As a result, the Plaintiff is a citizen of the State of Washington.

11 4. Foremost Insurance Company Grand Rapids Michigan is a foreign insurance
12 company organized under the laws of the State of Michigan with a principle place of business
13 in the State of Michigan.

14 **III. Amount in Controversy**

15 5. According to Plaintiff's Complaint, Foremost provided mobile home insurance
16 to Plaintiff. **Ex. B**.

17 6. Plaintiff alleges that Foremost wrongfully denied coverage for its claim of
18 \$550,000 for theft of five (5) homes. *Id.*

19 7. Plaintiff also claims that Foremost allegedly violated the Washington
20 Administrative Code. *Id.*

21 8. Plaintiff further alleges that Foremost violated the Washington Insurance Fair
22 Conduct Act ("IFCA") through its allegedly unreasonable denial of coverage. *Id.*

VI. Copies of Process, Pleadings, Orders, and Motions in State Court Proceedings

17. In accordance with 28 U.S.C. §1446, attached to this notice as Exhibits A through C are true and correct copies of the pleadings, process, orders, additional records, and additional proceedings in the Superior Court of Washington. These documents are:

- A. Summons;
- B. Complaint for Violation of Insurance Fair Conduct Act;
- C. Notice of Appearance for Foremost Insurance Company Grand Rapids Michigan filed by Thomas Lether, WSBA #18089.

18. Notice of this removal will be filed with the Clerk of the King County Superior Court and will be given to all other parties, in accordance with 28 U.S.C. §1446.

DATED this 21st day of July, 2017.

s/ Thomas Lether

s/ Eric J. Neal

Thomas Lether, WSBA #18089

Eric J. Neal, WSBA #31863

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Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies under the penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the following party(ies):

Thomas J. Westbrook, WSB #4986
Rodgers, Kee & Card, P.S.
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tjw@buddbaylaw.com
Counsel for Plaintiff

By: ☒ **First Class Mail** ☒ **Email** ☐ **Legal Messenger**

Dated this 21st day of July, 2017 at Seattle, Washington.

s/ Hugh Engelhoff
Hugh Engelhoff, Paralegal